REMARKS

This is a full and timely response to the non-final Office action mailed April 18, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-22 and 24 are pending in this application, with Claims 1, 8, and 18 being the independent claims. Claims 1, 8, and 18 have been amended, and Claim 23 has been canceled herein. No new matter is believed to have been added.

Obviousness-type Double Patenting Rejections

Claims 1-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 3-17 of co-pending Application Serial No. 10/721,632, and over Claims 1-17 of co-pending Application Serial No. 10/741,114. These rejections are respectfully traversed.

As is clearly delineated in the M.P.E.P., before a nonstatutory double patenting rejection can be made, it must first be determined that one or more claims in the application being examined defines an invention that is merely an obvious variation of an invention claimed in another application. See M.P.E.P. 804.II.B.1. In the instant application, independent Claims 1 and 8 now recite specific features that do not appear in any of the claims of either the '632 application or the '114 application. Moreover, as is explained below in response to the rejections under 35. U.S.C. § 103, Applicants submit that the specific features now recited in independent Claims 1 and 8 are not "merely obvious variations" of the inventions defined in either the '632 application or the '114 application.

In view of the above, Applicants respectfully solicit reconsideration and withdrawal of the obviousness-type double patenting rejections.

Rejections Under 35 U.S.C. § 103

Claims 1, 5, 6, 7, 8 12, 15, and16 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Japan Patent No. 9-103896 (Yasuda) and U.S. Patent No. 4,564,736 (Jones et al.), Claims 18-20, 23, and 24 were rejected under 35 U.S.C. §

103 as allegedly being unpatentable over Japan Patent No. 9-323185 (Ondera '185) and Japan Patent No. 11-347774 (Ondera '774), and Claim 21 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ondera '185 and U.S. Patent No. 5,446,257 (Sakamoto et al.), These rejections are respectfully traversed.

Independent Claims 1 and 8, now recite, *inter alia*, the following features: (1) a plurality of filler media delivery flow passages formed in and extending through the main body; (2) each main body filler media delivery flow passage having an inlet port and an outlet port; (3) the nozzle having a plurality of filler media delivery flow passages each having an inlet port and an outlet port; (4) each nozzle filler media inlet port in fluid communication with a main body filler media delivery flow passage outlet port; (5) each nozzle filler media outlet port spaced around the aperture; and (6) each nozzle filler media delivery flow passage formed in and extending though the nozzle.

In contrast, neither Yasuda, Jones et al., nor any other of the art of record, either alone or in combination, discloses or even remotely suggests at least providing filler media delivery flow passages that are formed in and extend through the main body, or nozzle filler media outlet ports spaced around the aperture, let alone the various other features now recited in independent Claims 1 and 8 in combination with these features.

As regards independent Claim 18, this claim has been amended to include the features of as-filed dependent Claim 23, which was indicated as being directed to allowable subject matter.

In view of the foregoing, Applicant respectfully solicits reconsideration and withdrawal of the § 103 rejections.

Conclusion

Based on the above, independent Claims 1, 8, and 18 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: 7/12/05

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